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MAY 13 2005

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DEPUTY CLERK

CLERK, U.S. DIST. COURT  
EASTERN DIST. OF CALIF.  
AT FRESNO

2005 MAY 16 A 11:08

FILED

Marnin Weinreb, Esq., State Bar No. 161591  
Cynthia D. Kinney, Esq., State Bar No. 196789  
WAXLER ♦ CARNER ♦ WEINREB ♦ BRODSKY LLP  
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Attorneys for Plaintiff  
VIRGINIA SURETY COMPANY, INC.  
as the successor in interest to COMBINED  
SPECIALTY INSURANCE COMPANY

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

VIRGINIA SURETY COMPANY, INC., a  
corporation, as the successor in interest to  
COMBINED SPECIALTY INSURANCE  
COMPANY, a corporation,

Plaintiff,

vs.

FERRARI GROUP NORTH AMERICA,  
INC., a corporation; FRONTIER  
ATLANTIC INVESTMENTS, INC., a  
corporation doing business as THE  
MOTOR SPORT DESIGNS COMPANY;  
WESLEY HATAKEYAMA, an individual;  
AHREN NEVINS, an individual; DIANE  
BERZ; an individual, RYAN WELLMAN,  
as an individual and as the successor in  
interest of ROBERT BARRY WELLMAN,  
Decedent; GEORGE BERZ, an individual;  
KOREN SIMMONS, an individual; and  
DOES 1-100, inclusive,

Defendants.

Case No. CIV-F-05-0155 OWW DLB

STIPULATION AND [PROPOSED]  
ORDER RE DISMISSAL OF ACTION

IT IS HEREBY STIPULATED by and between the parties, through their attorneys  
of record, that the above-entitled action shall be dismissed, in its entirety, with prejudice

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1 pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. Each party to bear their  
2 own fees and costs.

3  
4 Dated: March 22, 2005

WAXLER ♦ CARNER ♦ WEINREB ♦ BRODSKY LLP

5  
6 By: Marnin Weinreb

Marnin Weinreb  
Attorneys for Plaintiff  
Virginia Surety Company, Inc.

7  
8  
9  
10 Dated: March 22, 2005

GORDON & REES, LLP

11  
12 By: Laura Geist

Laura Geist  
Attorneys for Defendant  
Ferrari Group North America, Inc.

13  
14  
15  
16 Dated: March \_\_\_, 2005

COOPER & HOPPE

17  
18 By: \_\_\_\_\_

Theodore W. Hoppe  
Attorneys for Defendants  
Wesley Hatakeyama and Ahren Nevins

19  
20  
21  
22 Dated: March \_\_\_, 2005

ERICKSEN, ARBUTHNOT, KILDUFF,  
DAY & LINDSTROM

23  
24 By: \_\_\_\_\_

Michael D. Ott  
Attorneys for Defendant  
Frontier Atlantic Investments, Inc., dba  
The Motor Sport Designs Company



1 pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. Each party to bear their  
2 own fees and costs.

3  
4 Dated: March 1, 2005

WAXLER ♦ CARNER ♦ WEINREB ♦ BRODSKY LLP

5  
6 By: \_\_\_\_\_

7 Marnin Weinreb  
8 Attorneys for Plaintiff  
9 Virginia Surety Company, Inc.

10 Dated: March 1, 2005

GORDON & REES, LLP

11  
12 By: \_\_\_\_\_

13 Laura Geist  
14 Attorneys for Defendant  
15 Ferrari Group North America, Inc.

16 Dated: <sup>my 1<sup>st</sup></sup> March 1, 2005

COOPER & HOPPE

17  
18 By: \_\_\_\_\_

19 Theodore W. Hoppe  
20 Attorneys for Defendants  
21 Wesley Hatakeyama and Ahren Nevins

22 Dated: March 1, 2005

ERICKSEN, ARBUTHNOT, KILDUFF,  
DAY & LINDSTROM

23  
24 By: \_\_\_\_\_

25 Michael D. Ott  
26 Attorneys for Defendant  
27 Frontier Atlantic Investments, Inc., dba  
28 The Motor Sport Designs Company



pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. Each party to bear their own fees and costs.

Dated: March \_\_, 2005

WAXLER ♦ CARNER ♦ WEINREB ♦ BRODSKY LLP

By: \_\_\_\_\_

Marnin Weinreb  
Attorneys for Plaintiff  
Virginia Surety Company, Inc.

Dated: March \_\_, 2005

GORDON & REES, LLP

By: \_\_\_\_\_

Laura Geist  
Attorneys for Defendant  
Ferrari Group North America, Inc.

Dated: March \_\_, 2005

COOPER & HOPPE

By: \_\_\_\_\_

Theodore W. Hoppe  
Attorneys for Defendants  
Wesley Hatakeyama and Ahren Nevins

Dated: March 17, 2005

ERICKSEN, ARBUTHNOT, KILDUFF,  
DAY & LINDSTROM

By: \_\_\_\_\_

Michael D. Ott  
Attorneys for Defendant  
Frontier Atlantic Investments, Inc., dba  
The Motor Sport Designs Company



1  
2 Dated: March 21, 2005

PEREZ, WILLIAMS & MEDINA

3  
4 By. 

Robert G. Williams

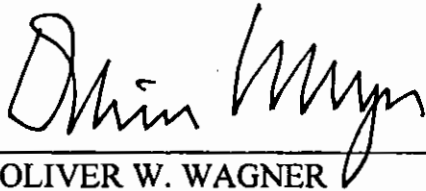
Attorneys for Defendants

Diane Berz, Ryan Wellman, individually and as  
the successor in interest of Robert Barry  
Wellman, George Berz, and Koren Simmons

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9  
10 **ORDER**

11 GOOD CAUSE HAVING BEEN SHOWN, the Court hereby dismisses the above-  
12 entitled action, in its entirety, with prejudice, each party to bear their own fees and costs.  
13

14  
15 Dated: 5-13-05

  
HON. OLIVER W. WAGNER  
UNITED STATES DISTRICT COURT



1 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

2 I am employed in the county of Los Angeles, State of California. I am over the age of 18  
3 and not a party to the within action; my business address is 1960 E. Grand Avenue, Suite 1210,  
El Segundo, California.

4 On May 12, 2005, I served the foregoing document(s) on the interested parties in this  
5 action described as:

6 **STIPULATION AND [PROPOSED] ORDER RE DISMISSAL OF ACTION**

7  
8 ☒ by placing ☐ the original ☐ true copies thereof enclosed in sealed envelopes addressed as  
follows:

9 **SEE ATTACHED MAILING LIST**

10 ☒ (BY MAIL) I am readily familiar with the firm's practice of collection and processing  
11 correspondence for mailing. Under that practice, it would be deposited with U.S. postal  
12 service on that same day with postage thereon fully prepaid at El Segundo, California in  
the ordinary course of business. I am aware that on motion of the party served, service is  
13 presumed invalid if postal cancellation date or postage meter date is more than one day  
after of deposit for mailing in affidavit.

14 ☐ (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the  
addressee.

15 ☐ (BY FEDEX) I enclosed the documents in an envelope or package provided by FedEx and  
16 addressed to the person so indicated. I placed the envelope or package for collection and  
overnight delivery at an office or a regularly utilized drop box of FedEx.

17 ☐ (BY FAX TRANSMISSION) I faxed the documents to the persons at the fax numbers listed.  
18 No error was reported by the fax machine that I used.

19 ☐ (BY E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an agreement of  
the parties to accept service by e-mail or electronic transmission, I caused the documents  
20 to be sent to the persons at the e-mail addresses indicated. I did not receive, within a  
reasonable time after the transmission, any electronic message or other indication that the  
21 transmission was unsuccessful.

22 ☐ (STATE) I declare under penalty of perjury under the laws of the State of California that  
the above is true and correct.

23 ☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of  
24 this court at whose direction the service was made.

25 Executed on May 12, 2005, at El Segundo, California.

26  
27   
28 Debby Tankersley



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